

Message Text

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ACTION ACDA-10

INFO OCT-01 EUR-12 IO-10 ISO-00 DODE-00 ACDE-00 CIAE-00

H-02 INR-07 L-02 NSAE-00 OIC-02 OMB-01 PA-01 PM-03

PRS-01 SAJ-01 SAM-01 SP-02 SS-15 USIA-06 TRSE-00

NSC-05 BIB-01 EA-06 OES-03 FEAE-00 EB-07 NRC-05

(ISO) W

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P 091630Z APR 75

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC PRIORITY 5688

INFO AEC GERMANTOWN PRIORITY

AMEMBASSY WARSAW

AMEMBASSY LONDON

USMISSION GENEVA

C O N F I D E N T I A L IAEA VIENNA 2991

EO 11652: GDS

TAGS: PARM, TECH, IAEA, US, UR

SUBJ: IAEA AND ARTICLE V OF NPT: DISCUSSIONS WITH
SOVIETS

REF: A) IAEA VIENNA 1245 (NOTAL)

B) STATE 016666 (NOTAL)

C) IAEA VIENNA 0188 (NOTAL)

1. IN COURSE OF INFORMAL DISCUSSIONS APRIL 8 BETWEEN
SOVIET AND U.S. MISOFFS, SOVIET MISOFF (ANTIASOV)
RAISED SUBJECT OF DG'S LETTER IN JANUARY TO FOUR
SUPPLIER STATES (REF. C) INVITING PARTICIPATION OF EX-
PERTS IN AGENCY STUDY OF LEGAL ASPECTS OF PNE'S. ANTIASOV
WAS AWARE THAT NO REPLIES TO THAT LETTER HAD BEEN
RECEIVED AND THAT AGENCY HAD LET MATTER DROP FOR TIME
BEING (REF A). HE NOTED, HOWEVER, THAT AGENCY OFFICIAL
(DELCOIGNE) HAD POINTED OUT TO HIM THAT AGENCY REPORT
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TO THE NPT REVIEW CONFERENCE ON "ACTIVITIES UNDER

ARTICLE V OF NPT" MAKES ALLUSION TO DG'S LETTER BUT NO MENTION IS MADE OF ANY REPLY. ANTIASOV WONDERED HOW THIS WOULD BE TAKEN AT REVIEW CONFERENCE BY NWS CRITICS SUCH AS GARCIA ROBLES, AS WELL AS NPT OPPONENTS, AND SAID THAT IN HIS PERSONAL VIEW, INTERESTS OF NWS WOULD BE WELL SERVED IF DG WERE IN A POSITION AT THE REVIEW CONFERENCE TO STATE IF QUERIED THAT FAVORABLE REPLIES (AT LEAST IN PRINCIPLE) HAD BEEN RECEIVED TO HIS INQUIRY. WE AGREED THAT PROBLEM MERITED SOUNDING OUT OUR RESPECTIVE GOVERNMENTS.

2. POINT RAISED HERE DOES IN FACT MERIT SERIOUS AND PROMPT CONSIDERATION. PARAGRAPH 31 OF CITED REPORT READS AS FOLLOWS: "THE DIRECTOR GENERAL HAS ALSO ENQUIRED FOR PNE SUPPLIER STATES WHETHER THEY WOULD BE WILLING TO PARTICIPATE IN THE ELABORATION OF THE BASIC CONDITIONS TO BE INCORPORATED IN THE AGREEMENTS TO BE CONCLUDED BETWEEN THE AGENCY AND STATES CONCERNED FOR THE PROVISION OF PNE SERVICES." AS IT STANDS, IT APPEARS TO US THAT THIS STATEMENT WILL INEVITABLY PROVOKE QUESTIONS AT REVIEW CONFERENCE DIRECTED TO DG REGARDING NATURE OF ANY REPLIES TO HIS INQUIRY FROM AMONG CONSIDERABLE NUMBER OF DELEGATES WE CAN EXPECT TO BE CRITICAL OF ALLEGED NON-ACTION ON PART OF NWS'S IN REGARD TO FULFILLMENT OF OBLIGATIONS UNDER ARTICLE V. IF DG IS UNABLE RESPOND THAT REPLIES OF A FAVORABLE NATURE HAVE BEEN RECEIVED, CRITICS WILL BE HANDED ANOTHER WEAPON WHICH WE HAVE NO DOUBT THEY WILL EMPLOY GLEEFULLY. WE WISH POINT OUT FURTHER THAT ACTUAL DATE OF THIS REPORT IS FEB. 17, WHICH WILL ALSO BE NOTED BY CRITICS IN MAY.

3. MISSION IS OF COURSE AWARE OF DEPARTMENT'S WISH TO AVOID MEETING ON THIS SUBJECT OF INTERESTED STATES AT THIS TIME. HOWEVER, TO SPARE OURSELVES THE OBVIOUS EMBARRASSMENT OF THE SITUATION DESCRIBED ABOVE, WE RECOMMEND MISSION BE AUTHORIZED SEND DG LETTER ALONG FOLLOWING LINES:

"IN RESPONSE TO YOUR LETTER OF DECEMBER 23, 1974 AND PARTICULARLY THE LAST TWO PARAGRAPHS WITH RESPECT TO LEGAL ASPECTS OF THE PEACEFUL APPLICATION OF CONFIDENTIAL

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NUCLEAR EXPLOSIONS, MY GOVERNMENT AGREES THAT THE AGENCY SHOULD BEGIN TO IDENTIFY THE LEGAL ISSUES INVOLVED IN THE ESTABLISHMENT OF INTERNATIONAL PNE SERVICES.

"MY GOVERNMENT FEELS THAT IS DESIRABLE FOR THE AGENCY LEGAL STAFF TO BEGIN A STUDY OF THIS QUESTION AS SOON AS POSSIBLE, WITH A VIEW TO IDENTIFYING AND EXAMINING THE IMPORTANT LEGAL ISSUES

AND WE ARE PREPARED TO ASSIST IN SUCH A STUDY. THE RESULTS OF THE STUDY COULD THEN BE MADE AVAILABLE TO APPROPRIATE MEMBER STATES FOR FURTHER CONSIDERATION. WE ALSO AGREE WITH THE AGENCY'S VIEW THAT THE STUDY OF THE LEGAL ISSUES SHOULD NOT, AT PRESENT, INVOLVE ITSELF IN MAKING RECOMMENDATIONS ON HOW THESE ISSUES SHOULD BE RESOLVED AND HANDLED IN ANY PNE AGREEMENTS.

"IF THE OTHER STATES WHO ARE POTENTIAL SUPPLIERS OF PNE SERVICES BELIEVE THAT SUCH A MEETING AS SUGGESTED IN YOUR LETTER IS ESSENTIAL, THE U.S. WOULD BE WILLING TO SEND A LEGAL EXPERT TO AN INFORMAL WORKING SESSION AT AN APPROPRIATE DATE.

"WE, OF COURSE, FULLY SUPPORT THE NECESSITY FOR CONTINUATION OF AGENCY STUDIES ON THE LEGAL ASPECTS OF THE PROVISION OF PNE SERVICES SO THAT THE AGENCY WILL BE ABLE TO PROVIDE A GENERAL STUDY OF SUCH ISSUES IN ACCORDANCE WITH PERTINENT UN RESOLUTIONS AND BOARD OF GOVERNORS' DECISIONS."

4. MISSION HAS NOT DISCUSSED MATTER WITH U.K. AND FRENCH MISSIONS, BUT EXPECTS THAT IF U.S. SENDS LETTER, OTHERS WILL.

5. WE WISH REMIND DEPARTMENT THAT MISSION HAS NOT YET RECEIVED GUIDANCE FOR ASSISTING AGENCY LEGAL STAFF IN PREPARATION OF ITS STUDY, MENTIONED REF C., PARA. 1. AND DISCUSSED IN CONVERSATION WITH ME HERE BY J. PENDER (ERDA) AND DEPUTY GENERAL COUNSEL GRAHAM (ACDA).
PORTER

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